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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/665,757	09/20/2000	John J. Pereless	304.117/09809287	8033

7590

07/10/2003

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EXAMINER

OUELLETTE, JONATHAN P

ART UNIT

PAPER NUMBER

3629

DATE MAILED: 07/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/665,757

Applicant(s)

PERELESS ET AL.

Examiner

Jonathan Ouellette

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 02 May 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 101*

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 1, 6, 8-10, 13 and 21-22 are rejected under 35 U.S.C. 101 because the claimed recitation of a use, without setting forth any steps involved in the process, results in an improper definition of a process, i.e., results in a claim which is not a proper process claim under 35 U.S.C. 101. See for example *Ex parte Dunki*, 153 USPQ 678 (Bd.App. 1967) and *Clinical Products, Ltd. v. Brenner*, 255 F. Supp. 131, 149 USPQ 475 (D.D.C. 1966).
3. Claims 2-5, 7, 11-12, and 14-20 are rejected as they are dependent on previously rejected independent claims.

### *Claim Rejections - 35 USC § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
  - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
5. Claims 1-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knowledge Probe (<http://www.recruiter.ca>).

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6. As per independent Claims 1, 8-10, and 21-22, Wiens discloses a service provider node (method for resume storage and retrieval from multiple warehouses, a computer program product) comprising: a client program for accessing web, gopher and other Internet sites that allows users to read documents and navigate between the documents stored in a plurality (at least one) of resume warehouses; a communication link with the plurality (at least one) of resume warehouses; a communication link with at least one client; an application for parsing job applicant data from the plurality of resume warehouses; and an application for collecting the parsed resume data and storing the parsed resume data in a database, comprising means for tracking the parsed resume data stored in the database (Resume Detective Application).  
(www.recruiter.ca, www.recruiter.ca/detective/nj.html, www.recruiter.ca/recruiter/iris.html, www.recruiter.ca/recruiter/r4w.html)
7. Knowledge Probe fails to expressly disclose one application that will parse the resume data and place the parsed resume data into a template with at least one job applicant field.
8. However, Knowledge probe does teach the use of two applications (Resume Detective and IRIS) to parse the resume data and place the parsed resume data into a template with at least one job applicant field (www.recruiter.ca, www.recruiter.ca/detective/nj.html, www.recruiter.ca/recruiter/iris.html).
9. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included one application for parsing the resume data and placing the parsed resume data into a template with at least one job applicant field in the system disclosed by Knowledge Probe, because it would simply be a matter of combining the two

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applications made by the same manufacturer – which are already made to seamlessly work together.

10. Knowledge probe also fails to expressly disclose utilizing the parsed resume data for increasing tracking efficiency.
11. However, Knowledge Probe does disclose tracking the source of the parsed resume data through the resume detective application ([www.recruiter.ca/detective/nj.html](http://www.recruiter.ca/detective/nj.html)), and the use of such tracked data does not hold any patentable weight, as a claim is indefinite where it merely recites a use without any active, positive steps delimiting how this use is actually practiced.
12. As per Claim 2, Knowledge Probe discloses wherein the client program is a proprietary browser ([www.recruiter.ca](http://www.recruiter.ca), [www.recruiter.ca/detective/nj.html](http://www.recruiter.ca/detective/nj.html), [www.recruiter.ca/recruiter/iris.html](http://www.recruiter.ca/recruiter/iris.html)).
13. As per Claim 3, Knowledge Probe discloses wherein the database is local to the service provider (Wiens: Abstract, C6 L26-67, C7 L1-46, C9 L33-62, C10 L10-25, Fig.1-2, Fig.12).
14. As per Claims 4 and 11, Knowledge Probe discloses wherein the resume data in the database is used to generate form letters (Recruiter for Windows Application) ([www.recruiter.ca](http://www.recruiter.ca), [www.recruiter.ca/detective/nj.html](http://www.recruiter.ca/detective/nj.html), [www.recruiter.ca/recruiter/iris.html](http://www.recruiter.ca/recruiter/iris.html), [www.recruiter.ca/recruiter/r4w.html](http://www.recruiter.ca/recruiter/r4w.html)).
15. As per Claims 5 and 12, Knowledge Probe discloses an application for tracking source information of the job applicant data (Resume Detective Application) ([www.recruiter.ca](http://www.recruiter.ca), [www.recruiter.ca/detective/nj.html](http://www.recruiter.ca/detective/nj.html), [www.recruiter.ca/recruiter/iris.html](http://www.recruiter.ca/recruiter/iris.html)).

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16. As per Claims 6 and 13, Knowledge Probe fails to expressly disclose wherein the application for tracking source information is used to track a headhunter's efficiencies; however, as explained for independent claims 1, 8-10, and 21-22, Knowledge Probe does disclose tracking the source of the parsed resume data through the resume detective application ([www.recruiter.ca/detective/nj.html](http://www.recruiter.ca/detective/nj.html)), and the use of such tracked data does not hold any patentable weight, as a claim is indefinite where it merely recites a use without any active, positive steps delimiting how this use is actually practiced.
17. As per Claims 7 and 20, Knowledge Probe discloses wherein the form letters are communications with the job applicant (Recruiter for Windows Application) ([www.recruiter.ca](http://www.recruiter.ca), [www.recruiter.ca/detective/nj.html](http://www.recruiter.ca/detective/nj.html), [www.recruiter.ca/recruiter/iris.html](http://www.recruiter.ca/recruiter/iris.html), [www.recruiter.ca/recruiter/r4w.html](http://www.recruiter.ca/recruiter/r4w.html)).
18. As per Claims 14 and 15, Knowledge Probe discloses determining if job applicant data has already been stored in the system to avoid parsing duplicate job applicant data (Resume Detective Application) ([www.recruiter.ca](http://www.recruiter.ca), [www.recruiter.ca/detective/nj.html](http://www.recruiter.ca/detective/nj.html), [www.recruiter.ca/recruiter/iris.html](http://www.recruiter.ca/recruiter/iris.html)).
19. As per Claims 16 and 17, Knowledge Probe discloses wherein cost-related information related to recruiting of job applicants is tracked (Recruiter for Windows Application) ([www.recruiter.ca](http://www.recruiter.ca), [www.recruiter.ca/detective/nj.html](http://www.recruiter.ca/detective/nj.html), [www.recruiter.ca/recruiter/iris.html](http://www.recruiter.ca/recruiter/iris.html), [www.recruiter.ca/recruiter/r4w.html](http://www.recruiter.ca/recruiter/r4w.html)).
20. As per Claims 18 and 19, Knowledge Probe discloses wherein the parsed resume data is searched a manipulated to track job applicant fields contained in the template (IRIS

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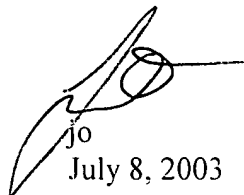
Application) ([www.recruiter.ca](http://www.recruiter.ca), [www.recruiter.ca/detective/nj.html](http://www.recruiter.ca/detective/nj.html),  
[www.recruiter.ca/recruiter/iris.html](http://www.recruiter.ca/recruiter/iris.html)).

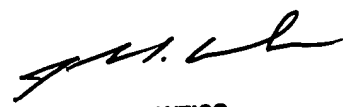
***Response to Arguments***

21. Applicant's arguments with respect to claims 1-22 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan Ouellette whose telephone number is (703) 605-0662. The examiner can normally be reached on Monday through Thursday, 8am - 5:00pm.
23. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (703) 308-2702. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-3597 for After Final communications.
24. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-5484.

  
Jo  
July 8, 2003

  
JOHN G. WEISS  
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